

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 63 NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY SOURCES

20.11.63.1 ISSUING AGENCY: Albuquerque/ Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone:(505) 768-2600.
[1/1/2000; 20.11.63.1 NMAC - Rn, 20 NMAC 11.63.1, 10/1/02]

20.11.63.2 SCOPE: This Part is applicable to all stationary sources of air pollutants located within Bernalillo County which are subject to the requirements of 40 CFR Part 60, as amended in the Federal Register through July 1, 1999.

A. Exempt:

(1) This Part does not apply to sources within Bernalillo County which are located on Indian lands over which the Albuquerque/Bernalillo County Air Quality Control Board lacks jurisdiction.
(2) Exclude 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

B. Variances: The variance provisions of 20.11.7 NMAC, Variance Procedures, Revised Ordinances of Albuquerque Section 9-5-1-8, Bernalillo County Code, Section 30-37, and NMSA 1978 Section 74-2-8 shall not apply to this Part or the incorporated federal standards.
[1/1/2000; 20.11.63.2 NMAC - Rn, 20 NMAC 11.63.2, 10/1/02]

20.11.63.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the authority provided in the New Mexico Air Quality Act, NMSA 1978 Sections 74-2-4, 74-2-5; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 and 9-5-1-4.
[1/1/2000; 20.11.63.3 NMAC - Rn, 20 NMAC 11.63.3, 10/1/02]

20.11.63.4 DURATION: Permanent.
[1/1/2000; 20.11.63.4 NMAC - Rn, 20 NMAC 11.63.4, 10/1/02]

20.11.63.5 EFFECTIVE DATE: December 1, 1999, unless a later date is cited at the end of a section.
[1/1/2000; 20.11.63.5 NMAC - Rn, 20 NMAC 11.63.5 & A, 10/1/02]

20.11.63.6 OBJECTIVE: The objective of this Part is to adopt local requirements that are identical to those of the federal New Source Performance Standards (NSPS) codified at 40 CFR Part 60.
[1/1/2000; 20.11.63.6 NMAC - Rn, 20 NMAC 11.63.6, 10/1/02]

20.11.63.7 DEFINITIONS: [Reserved]

20.11.63.8 SAVINGS CLAUSE: Any amendment to 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, which is filed with the State Records Center and Archives shall not affect actions pending for violation of a City or County ordinance or Air Quality Control Board Regulation No. 30, New Source Performance Standards. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the ordinance, Part, or regulation section in effect at the time the violation was committed.
[1/1/2000; 20.11.63.8 NMAC - Rn, 20 NMAC 11.63.8, 10/1/02]

20.11.63.9 SEVERABILITY: If any section, subsection, sentence, phrase, clause, or wording of this Part or the federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining portions of this Part.
[1/1/2000; 20.11.63.9 NMAC - Rn, 20 NMAC 11.63.9, 10/1/02]

20.11.63.10 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.
[1/1/2000; 20.11.63.10 NMAC - Rn, 20 NMAC 11.63.10 & A, 10/1/02]

20.11.63.11 INCORPORATION OF FEDERAL STANDARDS: Except as otherwise provided, the New Source Performance Standards of the United States Environmental Protection Agency including the General Provisions thereto, codified at 40 CFR Part 60, as amended in the Federal Register through July 1, 1999, are hereby incorporated as an Air Quality Control Board Regulation of the Albuquerque/Bernalillo County Air Quality Control Board.

[1/1/2000; 20.11.63.11 NMAC - Rn, 20 NMAC 11.63.11, 10/1/02]

20.11.63.12 MODIFICATIONS AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal standards: Amend 40 CFR Part 60, Section 60.2, Definitions, as follows: For the purpose of delegation of authority which the Administrator of the United States Environmental Protection Agency may delegate to the Director of the Albuquerque Environmental Health Department, "Administrator" means the Director of the Albuquerque Environmental Health Department or his/her authorized representative.

[1/1/2000; 20.11.63.12 NMAC - Rn, 20 NMAC 11.63.12, 10/1/02]

HISTORY OF 20.11.63 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives.

Regulation No. 30, New Source Performance Standards, 1/3/85;
Regulation No. 30, New Source Performance Standards, 6/18/86;
Regulation No. 30, New Source Performance Standards, 7/14/89;
Regulation No. 30, New Source Performance Standards, 1/14/92;
Regulation No. 30, New Source Performance Standards, 4/22/93;
Regulation No. 30, New Source Performance Standards, 12/16/94.

History of Repealed Material: 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08-30-95.

Other History: Regulation No. 30, New Source Performance Standards, filed 12/16/94, was **renumbered** and **reformatted** into first version of the New Mexico Administrative Code as 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08/30/95.

20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08/30/95 was **replaced** by 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 11/22/99.

20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 11/22/99 was **renumbered, reformatted, amended and replaced** by 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, effective 10/1/02